To:	Jeffrey J. Patrick
Bcc:	Daniel Cohen
Subject:	RE: ALPR Data Sharing
Date:	Wednesday, July 13, 2022 4:54:08 PM
Attachments:	Automated License Plate Readers ALPRs (2).pdf FLOCK LEA Sharing Agreement 3-4-21.docx

Jeffrey –

I checked on the back-end of Lexipol and it shows 428.7 is a “best practice.” This generally gives us some freedom to make modifications. If you look at the policy you will see some labeled “state” which means those sections are required by law. Section 428.3.1 for example says “agency content.” We created that ourselves.

We would like to share our data with other Flock using agencies in San Luis Obispo and Santa Barbara counties. That attached agreement is an example of an agreement used by Huntington Beach.

If you and Tom agree, we would like to add a paragraph after 428.7 that would say we can share data with agencies with whom we have a signed standing agreement.

If you have any suggestions on the language, that would be great. You mentioned in your email below that you were not confident the sample agreement as worded was the best method to create a partnership. I’m open to your suggestions.

Our goal is to share our data, and receive data with other Flock participating SB/SLO Co Law Enforcement agencies. We want to make sure they have basic requirement in place to protect our data to ensure it isn’t misused or disseminated illegally. Since we don’t control their polices, we thought an inter-agency MOU would be the best method to accomplish that.

Open to your suggestions,

Dan

Dan Cohen, Division Commander
Santa Maria Police Department
(805) 928-3781 X-1234

From: Jeffrey J. Patrick <jpatrick@cityofsantamaria.org>
Sent: Wednesday, July 13, 2022 4:09 PM
To: Daniel Cohen <dcohen@cityofsantamaria.org>
Subject: FW: ALPR Data Sharing

From: Jeffrey J. Patrick
Sent: Wednesday, December 22, 2021 5:01 PM
To: Thomas Watson <twatson@cityofsantamaria.org>; Daniel Cohen

<dcohen@cityofsantamaria.org>; Marc Schneider <mschneider@cityofsantamaria.org>
Subject: RE: ALPR Data Sharing

Our current policy requires another agency to submit a request to us each time they want to access information and provide the reason for that information at that time. It's individual transaction based. Though you could argue I am reading that too narrowly.

This agreement appears to be more of a partnership where we would be the main agency and any other authorized agency would get access through our system or licenses or whatnot.

While we can probably work out a partnership, our policy would need to be changed. We should consult with Lexipol to determine the reasoning for phrasing the policy as they did and get their thoughts on entering a partnership.

A partnership would make sense as we would not be burdened by the administrative task of approving every use, but I am not sure the agreement as phrased is the best method to do that. I would think we would want a financial contribution if they are piggybacking on our system. Or that we could have them utilize their own system and then license the use of our hardware.

Jeffrey J. Patrick
Assistant City Attorney for the City of Santa Maria
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This communication may be protected by the attorney-client privilege. Please do not forward without my approval or the privilege may be waived.

From: Thomas Watson <twatson@cityofsantamaria.org>
Sent: Wednesday, December 22, 2021 2:30 PM
To: Jeffrey J. Patrick <jpatrick@cityofsantamaria.org>
Subject: Fwd: ALPR Data Sharing

Can you take a look at this in my absence. Thanks
Sent from my phone.
Thomas Watson

From: Daniel Cohen <dcohen@cityofsantamaria.org>
Sent: Wednesday, December 22, 2021 9:40:53 AM
To: Thomas Watson <twatson@cityofsantamaria.org>
Cc: Marc Schneider <mschneider@cityofsantamaria.org>
Subject: ALPR Data Sharing

Tom –

We have received interest from outside law enforcement agencies in having access to our LPR data. This would be beneficial to both SMPD and the outside agencies as we share a common goal, and our criminals often travel between jurisdictions. We would like to allow local agencies to have access to our LPR data, within the restrictions of the attached proposed Sharing Agreement. I could envision potential agreements with CHP, SBSO, SLOSO, Lompoc PD, and Guadalupe PD.

We would appreciate any guidance you have as we consider data sharing.

Thank you,

Dan

Dan Cohen, Division Commander
Santa Maria Police Department
(805) 928-3781 X-1234

From: Marc Schneider <mschneider@cityofsantamaria.org>
Sent: Tuesday, December 21, 2021 4:40 PM
To: Daniel Cohen <dcohen@cityofsantamaria.org>
Subject: Re: ALPR Data Sharing

I agree that sharing with CHP would benefit us…please move forward with the agreement and our CA's office.

Sent from my iPhone

> On Dec 21, 2021, at 2:28 PM, Daniel Cohen <dcohen@cityofsantamaria.org> wrote:
>
> Chief –
>
> The CHP has asked for access to our LPR cameras. Flock said it is allowable, so long as we agree to it. I think we could benefit from sharing with SM CHP, since they patrol inside and near our city. I think we should have a written agreement however. Attached is a "Flock LEA Sharing Agreement" used by Huntington Beach. If you agree, I can reach out to Tom Watson to get his approval. I wouldn't be surprised if SBSO, SLOSO, Lompoc wanted to enter into a similar agreement, however, there has been no talk that I'm aware of at this point.
>
> Dan
>
> *Dan Cohen, Division Commander*

Santa Maria Police Department
(805) 928-3781 X-1234

From: Daniel Cohen <dcohen@cityofsantamaria.org>
Sent: Friday, September 10, 2021 11:55 AM
To: Thomas Watson <twatson@cityofsantamaria.org>
Cc: Marc Schneider <mschneider@cityofsantamaria.org>
Subject: ALPR Data Sharing

Tom –

Our ALPR system by Flock Safety has the capability to share data among other agencies that also use Flock ALPRs. I'm told another agency has requested access to our cameras, and in return, will grant us access to their cameras. Apparently they don't require any type of written agreement, just a verbal, and then both agencies have their system administrators push the buttons to make it happen.

I spoke to a Flock representative, who said every agency does it different. Some require a written agreement before they share data, while other do not.

I attached our Lexipol Policy. See a relevant section below:

428.7 RELEASING ALPR DATA The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures: (a) The agency makes a written request for the ALPR data that includes: (a) The name of the agency. (b) The name of the person requesting. (c) The intended purpose of obtaining the information. (b) The request is reviewed by the Support Division Commander or the authorized designee and approved before the request is fulfilled. (c) The approved request is retained on file

The Flock representative said they are not aware of any laws that govern the sharing of ALPR data among LE agencies.

I've also attached a data sharing agreement used by Huntington Beach PD.

I'm interested in your thoughts and recommendations.

Thank you,

Dan

Dan Cohen, Division Commander
Santa Maria Police Department
(805) 928-3781 X-1234

From: Jesse Mund <jesse.mund@flocksafety.com>
Sent: Friday, September 10, 2021 8:16 AM
To: Daniel Cohen <dcohen@cityofsantamaria.org>
Subject: Sharing form

Good Morning Dan,

Here is the form used in Huntington Beach that we talked about yesterday. Hope it helps.

Best Regards,

Jesse Mund

Major Account Manager, West

713-899-6379 | Jesse.mund@flocksafety

Do you mind giving us a review? Click here!